

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed May 15, 2007. At the time of the Office Action, Claims 1-37 were pending in the Application. Claims 1-37 stand rejected. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Abstract/Drawings/Title

The Examiner has objected to these identified items as being deficient in one form or another. Applicant submits the attached replacement drawings correcting various informalities. Applicant attaches to this Response the Replacement Sheets and the Annotated Sheets for FIGURES 1-4. Applicant respectfully requests approval and entry of the replacement drawings. The Drawings and the Abstract have been amended to address the Examiner's concerns, while the Title has been left unchanged. Applicant respectfully disagrees with the Examiner's assertion about the Title and, further, posits that the Title is in full compliance with all relevant provisions of the M.P.E.P.

Section 102 Rejection

The Examiner rejects Claims 1-37 under 35 U.S.C. §102(b) as being anticipated by Shaffer (hereinafter "*Shaffer*") (US632443). This rejection is respectfully traversed for the following reasons.

Applicant respectfully reminds the Examiner that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹ In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim."² In regard to inherency of a reference, "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.

² *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP §2131 (*emphasis added*).

inherency of that result or characteristic.”³ Thus, in relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.⁴

Using this well-settled jurisprudence it is clear that *Shaffer* cannot inhibit the patentability of the pending subject matter as it fails to disclose a number of limitations found in the Independent Claims. For example, the main reference fails to disclose: if the first encoding format and the second encoding format are different, modify transcoding information in the call setup message. For this simple teaching, the Examiner has mistakenly relied on FIGURES 4 and 5 of *Shaffer*. However, *Shaffer* fails to show this modification in any of the illustrated process flows, nor in any associated description.

Just as importantly, *Shaffer* fails to identify a remote element to receive the call setup message and to transmit the call setup message to the remote element. Recall also that this is being done after the modification occurs, as such an identification (and subsequent transmission) do not occur in a vacuum. There is a coherent flow to such interactions amongst the components: an interaction that is absent in *Shaffer*.

For at least these reasons, Independent Claim 1 is clearly patentable over *Shaffer*. In addition, the other Independent Claims recite similar, but not identical limitations, and, therefore, are also allowable using analogous reasons. Using similar reasoning, their respective dependent claims are also allowable.

Accordingly, all of the pending claims have been shown to be allowable, as they are patentable over the cited references. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

³ MPEP §2112 (citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ 2d 1955, 1957 (Fed. Cir. 1993) (*emphasis in original*)).

⁴ MPEP §2112 (citing *Ex Parte Levy*, 17 USPQ 2d 1461, 1464 (Bd. Pat. at App. and Inter. 1990) (*emphasis in original*)).

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant hereby takes an Extension of Time for responding to the Office Action dated May 15, 2007 for one (1) month from August 15, 2007 to September 15, 2007.

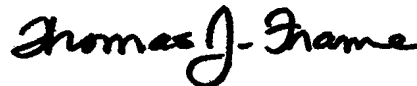
<u>X</u> First Month	\$ 120.00
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Please charge Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. an amount of \$120.00 to satisfy the extension of time fee of 37 C.F.R. §1.17(a)(1).

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,
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Date: September 17, 2007
Customer No. **05073**